

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN WALTER GERMAINE and
XIAOHONG ZHANG-GERMAINE,

Plaintiffs,

v.

HAWKS QUINDEL EHLKE & PERRY, S.C. and
BARBARA ZACK QUINDEL,

Defendant.

ORDER

13-cv-823-bbc

JOHN WALTER GERMAINE and
XIAOHONG ZHANG-GERMAINE,

Plaintiffs,

v.

SUSSEK MACHINE CORPORATION 'et al' and
CHRISTOPHER SUSSEK,

Defendant.

ORDER

13-cv-824-bbc

Plaintiffs John Germaine and Xiaohong Zhang-Germaine have submitted two proposed complaints. Plaintiffs have asked for leave to proceed *in forma pauperis* and have supported their requests with affidavits of indigency. The standard for determining whether a plaintiff qualifies for indigent status is the following:

- From plaintiff's annual gross income, the court subtracts \$3,700 for each dependent excluding the plaintiff.
- If the balance is less than \$16,000, the plaintiff may proceed without any prepayment of fees and costs.
- If the balance is greater than \$16,000 but less than \$32,000, the plaintiff must prepay half the fees and costs.

- If the balance is greater than \$32,000, the plaintiff must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

According to plaintiffs' financial affidavits, John Germaine's monthly income is \$2,227 and Xiaohong Zhang-Gemaine's monthly income is \$656. Combined, their monthly income is \$2,883, or \$34,596 annually. Plaintiffs have no dependents. Because plaintiffs' income is greater than \$32,000, they must prepay all fees and costs. If they wish to proceed with these actions, they will have to pay the \$400 filing fee in full for each case.

ORDER

IT IS ORDERED that plaintiffs' requests for leave to proceed in forma pauperis in these actions are DENIED because plaintiffs do not qualify for indigent status.

Further, IT IS ORDERED that plaintiffs may have until December 27, 2013, in which to pay the \$400 fee for filing case number 13-cv-823 and to pay \$400 for filing case number 13-cv-824. If, by December 27, 2013, plaintiffs fail to pay the fees in each of these cases, the clerk of court is directed to enter judgment dismissing the cases without prejudice for plaintiffs' failure to prosecute.

Entered this 9th day of December, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge